

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re: : Chapter 11

ORION HEALTHCORP, INC.¹ : Case No. 18-71748 (AST)

Debtors. : (Jointly Administered)

HOWARD M. EHRENBURG IN HIS CAPACITY :
AS LIQUIDATING TRUSTEE OF ORION :
HEALTHCORP, INC., ET AL., : Adv. Pro. No. 20-08052 (ast)

Plaintiff, : [Joint Statement of Uncontested
v. : Facts and Additional Separate
ABRUZZI INVESTMENTS, L.L.C.; JOHN : Statement of Facts, Affidavit Jeffrey
PETROZZA, : P. Nolan, and Request For Judicial
Defendants. : Notice Filed Concurrently Herewith]

**AFFIDAVIT OF EDITH WONG IN SUPPORT OF PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT, OR IN THE
ALTERNATIVE, SUMMARY ADJUDICATION AS AGAINST
DEFENDANT JOHN PETROZZA**

STATE OF NEW JERSEY)

)

COUNTY OF BERGEN)

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Orion Healthcorp, Inc. (7246); Constellation Healthcare Technologies, Inc. (0135); NEMS Acquisition, LLC (7378); Northeast Medical Solutions, LLC (2703); NEMS West Virginia, LLC (unknown); Physicians Practice Plus Holdings, LLC (6100); Physicians Practice Plus, LLC (4122); Medical Billing Services, Inc. (2971); Rand Medical Billing, Inc. (7887); RMI Physician Services Corporation (7239); Western Skies Practice Management, Inc. (1904); Integrated Physician Solutions, Inc. (0543); NYNM Acquisition, LLC (unknown) Northstar FHA, LLC (unknown); Northstar First Health, LLC (unknown); Vachette Business Services, Ltd. (4672); Phoenix Health, LLC (0856); MDRX Medical Billing, LLC (5410); VEGA Medical Professionals, LLC (1055); Allegiance Consulting Associates, LLC (7291); Allegiance Billing & Consulting, LLC (7141); New York Network Management, LLC (7168). The corporate headquarters and the mailing address for the Debtors listed above is 1715 Route 35 North, Suite 303, Middletown, NJ 07748.

Edith Wong, being duly sworn, deposes and says:

1. I am a Managing Director within the Forensic and Litigation Consulting group at FTI Consulting (“FTI”) and a Certified Public Accountant (“CPA”) in the state of New York. I have more than 16 years of experience in forensic accounting investigations. The facts stated herein are of my own personal knowledge. If called upon as a witness to any facts set forth herein, I could and would competently testify thereto.

2. I make this Affidavit in support of the accompanying *Motion For Summary Judgment, or in the Alternative Summary Adjudication, Against Defendants Abruzzi Investments, LLC and John Petrozza* (the “Motion”).²

3. In September 2017, FTI was retained in connection with investigative and advisory services regarding Constellation Healthcare Technologies, Inc. (“CHT”). I was part of a team of FTI professionals (the “FTI Investigative Team”) who, in conjunction with Debtors’ counsel, conducted an investigation of the financial condition and business operations of CHT. In connection with the investigation, the FTI Investigative team was granted access to the records of the Debtors including, bank statements, accounts payable, accounts receivables, vendor files, customer files, financial systems and email communications of the Debtors’ employees. As such, I am personally familiar with the Debtors’ book and records.

4. Paul Parmjit Parmar, aka Paul Parmar, was the Chief Executive Officer of the Debtor, Constellation Healthcare Technologies, Inc., a consolidated enterprise which operated in the healthcare sector primarily in revenue and practice management for physician practices.

² Capitalized terms not otherwise defined herein have the same meaning ascribed to them in the Motion.

5. The Debtor CHT maintained corporate bank accounts at M&T Bank.

Attached to this Affidavit as **Exhibits A and B**, are true and correct copies of M&T Bank Statements for February 2016 and August 2016, respectively, of the Debtor CHT (Ex. B, Ehren-Abruzzi 000938-939) as maintained and located within the business records of the Debtors.

6. The Debtor Orion Healthcorp Inc. maintained corporate bank accounts one of which was at JP Morgan Chase Bank, N.A. Attached to this Affidavit as **Exhibit C**, is a true and correct copy of the March 2017, JP Morgan Chase Bank, N.A. bank statement of the Debtor Orion Healthcorp, Inc. with JP Morgan Chase Bank, N.A. as maintained and located within the business records of the Debtors.

7. Attached to this Affidavit as **Exhibit D** is a true and correct copy of the Certificate of Formation for Lexington Landmark Services LLC (Ex. PET 0007; Ehren-Abruzzi 000002) as maintained and located within the business records of the Debtors.

8. Attached to this Affidavit as **Exhibit E** is a true and correct copy of the Operating Agreement of Lexington Landmark Services LLC (Ex. PET 00008; Ehren-Abruzzi 000004-09) as maintained and located within the business records of the Debtors.

9. Attached to this Affidavit as **Exhibit F** is a true and correct copy of the Operating Agreement of Pulsar Advance Care LLC for (Ehren-Abruzzi 000040-45) as maintained and located within the business records of the Debtors.

10. Attached to this Affidavit as **Exhibit G** is a true and correct copy of email from Sam Zaharis dated January 23, 2017 (Ex. PET 11; Ehren-Abruzzi) as maintained and located within the business records of the Debtors.

11. Attached to this Affidavit as **Exhibit H** are true and correct copies of correspondence from Robinson Brog dated January 25, 2017 and letters of consent for each

company to Martin Lilly dated January 25, 2017 (Ehren-Abruzzi 000030-39) as maintained and located within the business records of the Debtors.

12. Attached to this Affidavit as **Exhibit I** is are true and correct copies of correspondence dated December 5, 2016 from the Internal Revenue Service addressed to Lexington Landmark Services LLC (Ex. PET 0009; Ehren-Abruzzi 000010-11), Pulsar Advanced Care LLC and Axis Medical Services LLC as maintained and located within the business records of the Debtors.

13. Attached to this Affidavit as **Exhibit J** is a true and correct copy of correspondence dated December 12, 2016 from the Internal Revenue Service addressed to Vega Advanced Care LLC as maintained and located within the business records of the Debtors.

14. Attached to this Affidavit as **Exhibit K**, is a true and correct copy of the Credit Agreement dated January 30, 2017 among Bank of America and the Borrowers (Ehren-Abruzzi 000684-869) as maintained and located within the business records of the Debtors.

15. Attached to this Affidavit as **Exhibit L** is a true and correct copy of the Revolving Note, Borrower Assignment, Assumption and Release, and Security Agreement each dated January 30, 2017 among Bank of America and the Borrowers (Ehren-Abruzzi 0010101097) as maintained and located within the business records of the Debtors.

16. Attached to this Affidavit as **Exhibit M** is a true and correct copy of email from Paul Parmar dated May 24, 2017 (Ehren-Abruzzi 000018) as maintained and located within the business records of the Debtors.

17. Attached to this Affidavit as **Exhibit N** is a true and correct copy of email from Robinson Brog dated May 24, 2017 (Ehren-Abruzzi 000019) as maintained and located within the business records of the Debtors.

18. I have reviewed the Debtors' accounting records and general ledger and found no documents to evidence John Petrozza and Abruzzi performed any service or had any business dealings with the Debtors. There are no records reflecting an antecedent debt of the Debtors was satisfied concurrently with the diversion of the \$250,000 on May 25, 2017.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 18th day of February, 2022, at Tenafly, New Jersey.



EDITH WONG

Jonathan Gardner



JONATHAN GARDNER
NOTARY PUBLIC OF NEW JERSEY
Commission # 50110295
My Commission Expires 8/12/2024